



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,366	09/29/1999	KEISUKE HASHIMOTO	018775-765	3976

21839 7590 06/16/2004

BURNS DOANE SWECKER & MATHIS L L P  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER

DASTOURI, MEHRDAD

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 06/16/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/408,366

Applicant(s)

HASHIMOTO ET AL.

Examiner

Mehrdad Dastouri

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires Five months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed on May 18, 2004 have been fully considered but they are not persuasive.

In response to Applicants' arguments regarding Claims 1-20 concerning the definition of the terms "bi-level image data" and "multi-level image data", it is submitted that the claim language does not recite both "bi-level image data" and "multi-level image data" to distinguish "multi-level image data" from "bi-level image data". Applicants are referred to the definition of "multi" in Page 764 of Webster's Dictionary wherein "multi" is well defined as "more than one". Based on this definition, in a reasonable broad interpretation of claim language, the teachings of Sekine et al (Primary prior art of record) is adequate for rejection of the claims. However, as indicated in the Final Office Action (Paper # 15), to encompass the narrowest possible interpretation of "multi-level image data", the rejection of claims are based upon combined teachings of Sekine et al and Koizumi et al (Secondary prior art of record). Consequently, there is no inconsistency in the rejection of claims, and claim rejections cover the complete spectrum from the reasonable broadest interpretation to the narrowest interpretation of the claimed invention.

It is further submitted that, in digital image processing, the well-established terms for the gradation level of pixels (density level) are "binary image data" and "grayscale image data". The terms "bi-level" and "multi-level" image data are not the standard

nomenclatures in digital image processing, and for this reason, they are subject to interpretation.

As clearly indicated in the Final Office Action (Paper # 15), in the narrowest interpretation scenario, Sekine et al teaches all claim limitations except for having the each sub-pixel density level (gradation level) comprising more than two values.

Applicants' arguments concerning the teachings of Koizumi et al are arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The teachings of Koizumi et al are merely cited for generalization of density values to more than two levels that is extremely well known in the art. Consequently, there is no requirement that secondary prior art (Koizumi et al) discloses the same teachings of primary prior art (Sekine et al) for concerning the edge direction of the target pixel.

Lastly, it is respectfully submitted that if there were any further arguments in respect to other details or aspects of the Examiner's analysis of the individual references, or the reasons for combining the references, it should have been presented in the instant correspondence. There is no justification for partial response to a Final Office Action.

Mehrdad Dastouri  
Primary Examiner  
Art Unit 2623  
June 3, 2004

**MEHRDAD DASTOURI**  
**PRIMARY EXAMINER**

*Mehrdad Dastouri*